

CITY COUNCIL MINUTES
May 13, 2013
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, May 13, 2013 at 6:00 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:45 p.m.

ROLL CALL:

Council Members Present: Keith Nesbitt, J.M. "Mike" Holmes, Kevin Hanley (William Kirby arrived at 5:47 p.m. and Bridget Powers arrived at 6:09 p.m.)

Council Members Absent: none

Staff Members Present: City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Community Development Director Will Wong, Senior Planner Reg Murray, Associate Planner Lance Lowe, and Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

MOTION: Nesbitt/Holmes/Approved 3:0 (Kirby and Powers absent)

Council Member Kirby joined closed session at 5:47 p.m.

1. **Conference with Labor Negotiators:**
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: All Units

REPORT OUT OF CLOSED SESSION

No reportable action.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

The agenda was approved by consensus of the Council.

CONSENT CALENDAR

1. **Minutes**

By **MOTION**, approve the City Council minutes of 4/8/2013, 4/22/2013 and 5/6/2013.

2. **Cancellation of a City Council Meeting**

By **MOTION**, approve the cancellation of the regular City Council meeting on May 27, 2013.

3. **Appointment of Greater Auburn Area Fire Safe Council Members**

By **RESOLUTION 13-38**, approve the recommended appointments of Bob Snyder, Kevin Hanley, Raymond Green and Terry Mornin to the GAAFSC.

4. **Authorization for the Fire Department to Purchase One New Utility/ Command Vehicle**

By **RESOLUTION 13-39**, authorize the Fire Chief to proceed to purchase one new utility/ Command vehicle for a total amount of \$28,412.15.

5. **Fire Dispatch Agreement with Cal Fire FY 2013-2014**

By **RESOLUTION 13-40**, approve and authorize the Fire Chief to execute the Dispatch Services Agreement amendment for Fiscal Year 2013-2014 with Cal Fire, the Department of Forestry & Fire Protection.

6. **2013 Placer County Air Pollution Control District Clean Air Grant Contract – Roadway Markings and Signage for Bicycle Routes Project**

By **RESOLUTION 13-41**, authorize the Director of Public Works to sign and execute the Clean Air Grant Contract No. CN0000756 with the Placer County Air Pollution Control District for the Roadway Markings and Signage for Bicycle Routes Project.

7. **Palm Avenue Sidewalk and Bicycle Lane Project – Environmental Determination and Permission to Advertise**

By **RESOLUTION 13-42**, find the Palm Avenue Sidewalk and Bicycle Lane Project categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 (c) Existing Facilities.

By **MOTION**, authorize the Director of Public Works to advertise for the Palm Avenue Sidewalk and Bicycle Lane Project pending approval from Caltrans.

8. **Assignment of Auburn Airport Land Lease from Karl G. Schiller and Gundrun H. Schiller to Mad Kat Properties, LLC.**

By **RESOLUTION 13-43**, authorize the City Manager or his designee to approve the assignment and assumption of a land lease between the City of Auburn and Karl G. Schiller and Gundrun H. Schiller (as individuals and as trustees of the Schiller Living Trust) to Mad Kat Properties, LLC, and authorize the execution of all related documents.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

MOTION: Nesbitt/Kirby/Approved 4:0 (Powers absent; Holmes abstained from Item #1 minutes for 4/22/2013 and 5/6/2013 due to absence at those meetings)

Council Member Powers joined regular session at 6:09 p.m.

9. **Public Comment**

Megan Siren reported that the Pharmaceutical Drug Take Back event was the most successful ever, collecting 1,127 pounds.

Council Member Kirby spoke about the free physicals being offered for Placer High Students.

Council Member Nesbitt congratulated the State of the Community committee on a successful event. He also congratulated the City Volunteer of the Year, Dave Albright.

Council Member Holmes reported that UP Railroad will be declaring Auburn Rail Town USA at the Bell Tower on May 17th.

COUNCIL BUSINESS

10. **City Committee/ Commission Work Plan and Budget Requests**

City Manager Bob Richardson introduced this item. He said tonight will be a presentation of work plans and budget requests from the Economic Development Commission, Arts Commission, Endurance Capital Committee and Technology Commission.

Randy Wagner, Economic Development Commissioner, gave the report for the EDC. He reviewed the purpose and direction of the EDC. He also reviewed the work plan and the budget.

Council Member Powers then went into further detail on the role of the EDC members on these projects, hotel recruitment, and airport business park development.

Council Member Kirby asked for more information about the dinner theatre event in the EDC plan. He also asked about promoting the wine trail.

Council Member Nesbitt explained the outdoor dinner theatre project. He said the wine trail is integrated into many events throughout town.

Council Member Powers said the hotel recruitment is a top priority because it will lead into availability for many other tourism projects.

Council Member Holmes, Arts Commission liaison, presented the Arts Commission work plan and budget. He spoke about the mural planned for the Forgotten Soldier Program.

Council Member Kirby asked questions about the mural for the wall of the Wave Communication building (Forgotten Soldier Program related).

Council Member Powers asked about the Bud Anderson statue at the airport. She also asked about matching funds from the Forgotten Soldier Program.

Mayor Hanley asked about the process of refurbishing the mural above the Avant Garden location.

Harvey Roper presented the work plan and budget for the Endurance Capital Committee.

Council Member Holmes asked about the participation fee in the past for the Auburn Endurance Challenge. He asked about State Parks involvement in the trail etiquette pamphlet.

Council Member Nesbitt asked how many/ what businesses will be selling the Endurance Capital merchandise.

Council Member Kirby asked about the ownership of the endurance logo. He also asked how much merchandise will be purchased for the budgeted amount. He spoke about the benefit of available printed trail etiquette pamphlets.

Council Member Powers asked about the copyright of the logo. She asked about selling product on the website.

Mayor Hanley asked about the concept of the awards for the Endurance Challenge.

Council Member Kirby asked about the level of the participation in the Endurance Challenge event. He asked if other times of the year were considered for the start of the program.

Rich Owens, Chair of the Technology Commission, gave the work plan for the Technology Commission. He spoke about the new phone system which has been their major project for the past year. He reviewed the projects they will be working on for the next year.

Council Member Holmes asked about "hot spot" locations and improved council chambers technology.

Council Member Kirby asked about the background of the technology commissioners.

Suzi deFosset, resident of Auburn, spoke about the way finding signage as an element of economic development and arts in the City. She said she would like to see more of those signs in place.

Bob Snyder, resident of Auburn, said he appreciates the Technology Commission's work to improve the council chambers technology.

Richard Sanborn, resident of Auburn, spoke about a second camera to be hooked up in the chambers. He spoke about the use and volume of the microphones used by council members.

Council Member comments followed regarding the amazing work done by the volunteers on the city commissions and committees.

Council members commented on each of the committees work plans. Comments on the Economic Development Commission work plan included (1) more detail on dinner theater concept, including both business districts, (2) including the wine trail on projects, (3) critical hotel recruitment and (4) Adventure Destination projects.

Comments on the Arts Commission work plan included: (1) forgotten solidier program mural funding, (2) an article on how arts contribute to the community, (3) matching grant funds, (4) refurbishing faded murals in town.

Comments on the Endurance Capital Committee included: (1) increasing merchandising budget, (2) increase marketing budget, (3) reintroducing the endurance challenge, (4) ownership of endurance capital logo (5) trail etiquette permanent signage, and (6) state level legislation for trail etiquette issues.

Comments on the Technology Commission included improved video production and other technology in the council chambers.

11. **Intention to Levy Annual Assessment Fee for Business Improvement Districts**

City Manager Bob Richardson introduced this item. He said this is the first part of a 2 step process to approve the BID reports and assess the fee for the next fiscal year.

Dave Johnson, President of the Old Town Business Association (OTBA), presented the report for the OTBA. He said the fees are unchanged from last year.

Steve Galyardt, Treasurer of the Downtown Business Association (DBA), speaking on behalf of Jim Bril, President of the Association, presented the report for DBA. He said the fees are unchanged from last year.

Council Member Kirby said he would like the dinner theater to include both of these business districts.

By RESOLUTION 13-44:

1. Appoint the City Manager as the advisory board for the Old Town Business Improvement District and for the Downtown Business Improvement District and direct him to produce the report required pursuant to Section 36533 of the 1989 Law for Fiscal Year 2013/14.
2. Approve the Annual Reports as filed by the advisory board for both the Old Town Business Improvement District and for the Downtown Business Improvement District.
3. Set a Public Hearing for June 10, 2013 to levy annual assessment fees for fiscal year 2013/14 within the Old Town Business Improvement District and the Downtown Business Improvement District.

MOTION: Holmes/Powers/ Approved 5:0

Mayor Hanley recessed the meeting at 7:43 p.m.

Mayor Hanley resumed the meeting at 7:50 p.m.

12. **Updated Resolution for Historic Resource Nomination Process for the Auburn Register of Historic Places**

Associate Planner Lance Lowe presented this item. He said this resolution was last updated in 1982. He reviewed the updates to the resolution.

Council Members Powers asked who is able to nominate a property as a historical site and the related process.

Council Member Holmes asked if the designation varies between the buildings, land sites and points of historic interest. He asked if the properties that are currently listed on the Auburn Register are added to the County Register. He asked about the proposed cost structure and the availability of the new application.

Council Member Nesbitt asked about the proposed \$500 fee for removal of a site from the historical register. He asked about the requirement of the property owner being the applicant.

Mayor Hanley asked about the criteria for a recession from the register. He asked if the age of the building requirement was removed.

Council Member Kirby clarified that the local register is not associated with the state or national register. He asked what the benefit is of maintaining a local registry.

Donna Howell, resident of Auburn, spoke of her house which is on the state and national historical register. She spoke in favor of having a local register.

Michael Otten, resident of Auburn and President of the Placer County Historical Society, said this update is an improvement, although more though still needs to go into it. He said there should be a local historic preservation commission.

Council Member Holmes asked about incentive programs and public property nominations.

Council Member Holmes moved to add "non-property owners may encourage property owners to apply" to Section 2 (a). He said he would like to add "Properties listed on the national register or state register of historical places shall be placed automatically on the local Auburn register without additional review of the HDRC and without application by the property owner" to Section 2 (f). The motion failed for lack of a second.

Council Member Nesbitt explained his concerns with the automatic inclusion on the local register, if registered on a state or national register. He spoke about his concerns over the proposed fee structure.

Council Member Kirby asked Michael Otten what his concerns were with the proposed structure.

Michael Otten said his suggestion is to update the historic resources survey and to have a separate historic preservation commission.

Will Wong said the HDRC will be part of the process of identifying local buildings for this register.

Council Member Kirby asked about additional burdens to property owners who have their building on the local register.

Will Wong said the main factor is if the building is on the local register, the city ordinance says the building falls under the review and guidelines of the HDRC.

Mayor Hanley said it is unfair to charge for a rescission fee to the property owner.

Council Member Holmes clarified that a private property owner cannot have their property put on the state and national register without their permission. He said if the building is nominated by someone other than the property owner, they still must get the property owners permission. He said this rule does not apply to public property.

Council Member Powers amended her motion to remove the fee schedule for recessions.

A. By **MOTION**, Adopt a Statutory Exemption prepared for the Updated Resolution for Nominating Process for Historical Buildings and Places as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines;

B. Adopt an updated **RESOLUTION 13-45** for Nomination of Historical Resources to the Auburn Register of Historical Places.

MOTION: Powers/Hanley/Approved 4:1 (Holmes voted no)

PUBLIC HEARING

13. Ordinance Amendment – Emergency Shelters and Transitional and Supportive Housing

Senior Planner Reg Murray presented this item. He said this item was continued at the April 8, 2013 City Council Meeting. He said the three main issues identified at that time were: (1) contacting Placer County about a multi-jurisdictional approach, (2) Auburn Airport options, and (3) review of other zone districts throughout the City. He reviewed Placer County's response, and other information regarding a multi-jurisdictional approach. He spoke about compatibility issues of having this type of zoning at the airport. He reviewed the summary of the other zone districts throughout the City. He explained the process called zone overlay process. He said this provides the ability to look at specific parcels or areas as opposed to an entire zone. He addressed some concerns from the previous meeting including: (1) security fencing, (2) outreach to business associations, and (3) public notice.

Council Member questions followed regarding (1) designating a zone and excluding certain properties, (2) separation requirements, (3) second reading requirement, (4) only requirement of jurisdiction is to identify a zone, (5) bed limit in facility, (6) airport not being an adequate location, (7) fencing requirements within a zone, (8) M-1 district analysis, and (9) Placerville's current program/ designated zone.

Richard Anderson, resident of Auburn and on behalf of the Auburn Airport Business Park Association, said he agrees that the airport is not an appropriate place for this type of zoning. He spoke of what he called "the reality" of the homeless situation. He said the state was flawed when they passed SB2 and enacting this type of zoning in Auburn will cause great harm to the community.

Suzi de Fosset, resident of Auburn and Executive Director of the Gathering Inn, said she would like two things to be kept in mind when the Council is determining a zone (1) available transportation and (2) a building that could house at least 60 people. She said when there are no shelters, there is nowhere for the homeless to get help. She spoke of the importance of large shelters.

Richard Borris, resident of Auburn, requested the M1 and M2 zones on Sacramento Street be removed from consideration for a shelter site because of the Railhead Park outdoor soccer facility. He said it would be irresponsible to bring transients to this area.

Rebecca Huntley, resident of Auburn, spoke about addressing the homeless problem with a "real answer" and being able to help people. She talked about the practice of screening of homeless at many current shelters.

Joseph Tucciarone, resident of Auburn, spoke about the zoning and the responsibility of a business owner who would take on this venture.

Jeff Cowan, resident of Auburn, said if you want to address the issues of the homeless, you go for housing first. He said this should have been done 5 years ago. He said he supports city staff recommendations.

Diane Stevens, resident of Auburn, said she is all for helping the homeless, but does not want this type of facility in her backyard. She said she feels safety would be a problem.

Council Member comments followed regarding: (1) difficult issue, (2) overlay process benefits, (3) bed limits, (4) state and federal inappropriateness on these mandates, (5) qualifications to stay at homeless shelters, (6) Auburn's "fair share", (7) educating the community, (8) housing element deadlines, (9) criminal element vs. those really in need, (10) County resources, and (11) anti-panhandling laws.

Mayor Hanley said the overlay is the best option. He said an area needs to be picked that is least impactful to current neighborhoods and small businesses. He said two properties for this zoning could be the vacant property on Nevada Street and the property at Sacramento Street and Auburn Folsom. He said the number of occupants should not be 30. He said he agrees with the occupancy being 20. He said he would like additional onsite management, totaling 2 at all times. He said he would like to require a common living space, two showers and onsite laundry facilities. He said he would like additional requirements of the facility: (1) the city police department could get a list of names of people currently staying at the shelter at any time, (2) if anyone has to be removed from the facility, the police department should be immediately notified, and (3) no smoking, alcohol, or misuse of prescription drugs.

Council Member Kirby said he can only support the Nevada Street property in this proposal. He said this is not a good solution and he would like to find a real solution in the near future with our regional partners to address the homeless problem.

Council Member Holmes said he would like to consider a property on Wall Street as an alternative property.

Mayor Hanley said he substitutes the property on page 268 for the property on page 264 in the staff report (removing the Auburn Folsom and Sacramento Street property and adding the Wall Street property).

Conversation followed regarding limiting capacity in emergency shelters vs. capacity in temporary shelters.

Suzi de Fosset spoke about the range of the number of people the Gathering Inn houses within the City of Auburn. She spoke about the "extreme weather shelters" and the increased capacity.

Mayor Hanley proposed the capacity for temporary shelters be left blank until further information is received. It was the consensus of the Council to do this.

By MOTION, direct staff to prepare an ordinance amendment to add the Emergency Shelter overlay designation to the Auburn Municipal Code.

By MOTION the City Council identifies the following properties of the Emergency Shelter overlay: Nevada Street and Wall Street Properties previously listed.

By MOTION, direct staff to initiate a rezone for each of the properties identified for the Emergency Shelter overlay.

By MOTION, direct staff to finalize an ordinance amendment for Transitional and Supportive Housing and return to Council, as Community Development's top priority.

MOTION: Hanley/ Nesbitt/Approved 5:0

REPORTS

14. City Council Committee Reports

Council Member Holmes reported the Blocker Drive property has been blocked by trains on several occasions, and spoke about the gate on the Auburn Cemetery District property as an alternative. He reported on his visit to Washington D.C. and the meetings he held while there. He also reported on his recent trip to China and that he invited the Visit California Officials in Beijing to visit Auburn next month. He reported on the tourist convention in Las Vegas being held next month.

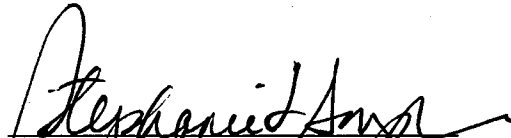
Council Member Kirby reported on the Auburn Citizens Academy that was recently held by the Auburn Police Department. He said he encourages everyone to take a future class.

ADJOURNMENT

Mayor Hanley adjourned the meeting without objection at 10:18 p.m.



Kevin Hanley, Mayor


Stephanie L. Snyder, City Clerk